

# **Exhibit 28**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **ORAL EXAMINATION OF DAVID WILCOX**

13 **APPEARING REMOTELY FROM**

14 **SARASOTA COUNTY, FLORIDA**

15  
16 Thursday, November 4, 2021

17 9:02 a.m. - 2:47 p.m.

18 pursuant to notice  
19  
20

21 REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

R E M O T E   A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

**WESTERN NEW YORK LAW CENTER**

**BY: KEISHA WILLIAMS, ESQ.**

Cathedral Park Tower

37 Franklin Street, Suite 210

Buffalo, New York 14202

(716) 828-8415

**NATIONAL CENTER FOR LAW AND ECONOMIC  
JUSTICE**

**BY: ANJANA MALHOTRA, ESQ.**

275 Seventh Avenue, Suite 1506

New York, New York 10001

(212) 633-6967

APPEARING FOR THE DEFENDANTS:

**CITY OF BUFFALO LAW DEPARTMENT**

**BY: ROBERT E. QUINN,**

**ASSISTANT CORPORATION COUNSEL**

1100 City Hall

65 Niagara Square

Buffalo, New York 14202

(716) 851-4326

ALSO PRESENT:

**CHINYERE EZIE, ESQ.**

Center for Constitutional Rights

**CHRISTINE NELSON, ESQ.**

Covington & Burling LLP

DEPAOLO CROSBY REPORTING SERVICES, INC.

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—DAVID WILCOX - BY MS. WILLIAMS - 11/04/21—

1 Q. And was the practice to issue for all  
2 violations observed?

3 A. All violations? Well, I would say there is  
4 discretion involved there. I mean, maybe  
5 there is a valid reason like somebody just  
6 struck my headlight an hour ago and I haven't  
7 been able to get it fixed. There is no reason  
8 to write that person for that because the  
9 light just got broken. Or somebody just got a  
10 ticket yesterday for the taillight that was  
11 out and they haven't been able to get it fixed  
12 yet but they want to.

13 Q. Okay. So the decision whether or not to issue  
14 tickets was based on the officer's discretion,  
15 correct?

16 MR. QUINN: Form.

17 A. I would say discretion and common sense.

18 Q. Did you communicate that officers should issue  
19 as many tickets as possible?

20 MR. QUINN: Form.

21 A. Communicate? No, I have no reason to. The  
22 officers wrote plenty of tickets, trust me.

23 Q. Was there any policy or practice on issuing a

—DEPAOLO CROSBY REPORTING SERVICES, INC.—

—DAVID WILCOX - BY MS. WILLIAMS - 11/04/21—

1 ticket?

2 MR. QUINN: Form.

3 A. No, there was no quotas ever. There was no  
4 administrative pressure to go out and write  
5 tickets, you know. They were plentiful  
6 because there was so many traffic violations.

7 Q. Was issuing tickets considered productive?

8 MR. QUINN: Object to form.

9 A. Productive?

10 Q. Yeah.

11 A. Well, productive in the sense that it brought  
12 compliance with the V&T laws hopefully.

13 Q. Were officers required to get yours or any  
14 supervisor's approval before issuing a traffic  
15 summons at a checkpoint?

16 A. You faded at the end.

17 Q. I am sorry. Were officers required to get a  
18 supervisor's approval before issuing tickets  
19 or summonses at a checkpoint?

20 MR. QUINN: Form.

21 A. No.

22 Q. What factors did officers consider in deciding  
23 whether or not to write a ticket?

—DEPAOLO CROSBY REPORTING SERVICES, INC.—

1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Carrie A. Fisher, Notary Public, in and  
5 for the County of Erie, State of New York, do  
6 hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken remotely  
12 pursuant to notice at the time and place as  
13 herein set forth; that said testimony was  
14 taken down by me and thereafter transcribed  
15 into typewriting, and I hereby certify the  
16 foregoing testimony is a full, true and  
17 correct transcription of my shorthand notes so  
18 taken.

19 I further certify that I am neither counsel  
20 for nor related to any party to said action,  
21 nor in anyway interested in the outcome  
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed my seal this  
1st day of December, 2021.

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Carrie A. Fisher  
Notary Public - State of New York  
No. 01FI6240227  
Qualified in Erie County  
My commission expires 5/02/23

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